

103D CONGRESS
1ST SESSION

S. 1112

To grant a Federal charter to the Congressional Medal of Honor Museum
of the United States.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 1993

Mr. HOLLINGS introduced the following bill; which was read twice and
referred to the Committee on the Judiciary

A BILL

To grant a Federal charter to the Congressional Medal of
Honor Museum of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RECOGNITION AS CORPORATION AND GRANT**

4 **OF FEDERAL CHARTER.**

5 The Congressional Medal of Honor Museum of the
6 United States, a nonprofit corporation organized under
7 the laws of the State of New York, is recognized as such
8 and is granted a Federal charter.

1 **SEC. 2. POWERS.**

2 The Congressional Medal of Honor Museum of the
3 United States (in this Act referred to as the “corpora-
4 tion”) shall have only those powers granted to it through
5 its bylaws and articles of incorporation filed in the State
6 in which it is incorporated and subject to the laws of such
7 State.

8 **SEC. 3. OBJECTS AND PURPOSES.**

9 The objects and purposes of the corporation are those
10 provided for in its bylaws and articles of incorporation and
11 shall include the following:

12 (1) Preserving the memory and history of
13 medal of honor recipients.

14 (2) Preserving artifacts and records of medal of
15 honor recipients that are donated or loaned to the
16 museum in order to honor the memory and history
17 of such recipients, to display such artifacts and
18 records for educational purposes, and to encourage
19 research relating to such artifacts and records.

20 (3) Educating the people of the United States
21 on the value of the medal of honor.

22 (4) Inspiring and stimulating the youth of the
23 United States to become worthy citizens of the
24 United States.

1 **SEC. 4. SERVICE OF PROCESS.**

2 With respect to service of process, the corporation
3 shall comply with the laws of the State in which it is incor-
4 porated and those States in which it carries on its activi-
5 ties in the furtherance of its corporate purposes.

6 **SEC. 5. MEMBERSHIP.**

7 Except as provided in section 8, eligibility for mem-
8 bership in the corporation and the rights and privileges
9 of members of the corporation shall be as provided in the
10 articles of incorporation and bylaws of the corporation.

11 **SEC. 6. BOARD OF DIRECTORS.**

12 Except as provided in section 8, the composition of
13 the board of directors of the corporation and the respon-
14 sibilities of such board shall be as provided in the articles
15 of incorporation of the corporation and in conformity with
16 the laws of the State in which it is incorporated.

17 **SEC. 7. OFFICERS OF CORPORATION.**

18 Except as provided in section 8, the positions of offi-
19 cers of the corporation and the election of members to
20 such positions shall be as provided in the articles of incor-
21 poration of the corporation and in conformity with the
22 laws of the State in which it is incorporated.

23 **SEC. 8. PROHIBITION AGAINST DISCRIMINATION.**

24 In establishing the conditions of membership in the
25 corporation and in determining the requirements for serv-
26 ing on the board of directors or as an officer of the cor-

1 poration, the corporation may not discriminate on the
2 basis of race, color, religion, sex, handicap, age, or na-
3 tional origin.

4 **SEC. 9. RESTRICTIONS.**

5 (a) INCOME AND COMPENSATION.—No part of the in-
6 come or assets of the corporation may inure to the benefit
7 of any member, officer, or director of the corporation or
8 be distributed to any such individual during the life of this
9 charter. Nothing in this subsection shall be construed to
10 prevent the payment of reasonable compensation to the
11 officers of the corporation or reimbursement for actual
12 necessary expenses in amounts approved by the board of
13 directors.

14 (b) LOANS.—The corporation may not make any loan
15 to any officer, director, or employee of the corporation.

16 (c) STOCK.—The corporation shall have no power to
17 issue any shares of stock or to declare or pay any divi-
18 dends.

19 (d) CONGRESSIONAL APPROVAL.—The corporation
20 shall not claim congressional approval or the authorization
21 of the Federal Government for any of its activities by rea-
22 son of this Act.

1 **SEC. 10. LIABILITY.**

2 The corporation shall be liable for the acts of its offi-
3 cers and agents whenever such officers and agents have
4 acted within the scope of their authority.

5 **SEC. 11. BOOKS AND RECORDS.**

6 The corporation shall keep correct and complete
7 books and records of account and minutes of any proceed-
8 ing of the corporation involving any of its members, the
9 board of directors, or any committee having authority
10 under the board of directors. The corporation shall keep,
11 at its principal office, a record of the names and addresses
12 of all members having the right to vote in any proceeding
13 of the corporation. All books and records of such corpora-
14 tion may be inspected by any member having the right
15 to vote in any corporation proceeding, or by any agent or
16 attorney of such member, for any proper purpose at any
17 reasonable time. Nothing in this section shall be construed
18 to contravene any applicable State law.

19 **SEC. 12. AUDIT OF FINANCIAL TRANSACTIONS.**

20 The first section of the Act entitled "An Act to pro-
21 vide for the audit of accounts of private corporations es-
22 tablished under Federal law", approved August 30, 1964
23 (36 U.S.C. 1101), is amended by adding at the end the
24 following:

25 " (77) The Congressional Medal of Honor
26 Museum of the United States."

1 **SEC. 13. ANNUAL REPORT.**

2 The corporation shall report annually to Congress
3 concerning the activities of the corporation during the pre-
4 ceding fiscal year. Such annual report shall be submitted
5 at the same time as the report of the audit required by
6 section 2 of the Act referred to in section 12. The report
7 shall not be printed as a public document.

8 **SEC. 14. RESERVATION OF RIGHT TO AMEND OR REPEAL**
9 **CHARTER.**

10 The right to alter, amend, or repeal this Act is ex-
11 pressly reserved to Congress.

12 **SEC. 15. TAX-EXEMPT STATUS.**

13 The corporation shall maintain its status as an orga-
14 nization exempt from taxation as provided in the Internal
15 Revenue Code of 1986. If the corporation fails to maintain
16 such status, the charter granted by this Act shall expire.

17 **SEC. 16. TERMINATION.**

18 The charter granted by this Act shall expire if the
19 corporation fails to comply with—

20 (1) any restriction or other provision of this
21 Act;

22 (2) any provision of its bylaws or articles of in-
23 corporation; or

24 (3) any provision of the laws of the State of
25 New York that apply to corporations such as the
26 corporation recognized under this Act.

1 **SEC. 17. DEFINITION.**

2 For the purposes of this Act, the term “State” in-
3 cludes the District of Columbia, the commonwealth of
4 Puerto Rico, the Commonwealth of the Northern Mariana
5 Islands, and the territories and possessions of the United
6 States.

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